

1 LEONARD T. FINK, ESQ.  
2 Nevada Bar No. 6296  
3 **SPRINGEL & FINK LLP**  
4 10655 Park Run Drive, Suite 275  
5 Las Vegas, Nevada 89144  
6 Telephone: (702) 804-0706  
7 Facsimile: (702) 804-0798  
8 E-Mail: [lfink@springelfink.com](mailto:lfink@springelfink.com)

9 *Attorneys for Defendants*  
10 *ATLAS TOWING, INC. and NICKY Q. AYERS*

11 **UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF NEVADA**

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14 DALTON WILSON,

15 Plaintiffs,

16 vs.

17 ATLAS TOWING, INC., NICKY Q. AYERS,  
18 LLOYD W. AYERS, and DOES 1-20,

19 Defendants and Cross-claimants,

20 and

21 UNITED STATES DEPARTMENT OF THE  
22 INTERIOR, BUREAU OF LAND  
23 MANAGEMENT,

24 Cross-Defendant.

Case No.: 3:15-cv-00561-RCJ-WGC

**STIPULATION TO AMEND  
GOVERNMENT'S MOTION TO  
DISMISS TO INCLUDE NICKY Q.  
AYERS AS NAMED DEFENDANT AND  
TO EXTEND TIME FOR DEFENDANTS  
ATLAS TOWING, INC. AND NICKY Q.  
AYERS TO RESPOND TO  
GOVERNMENT'S MOTION TO  
DISMISS [DKT. 11]**

**(First Request)**

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1 Defendants ATLAS TOWING, INC. and NICKY Q. AYERS (collectively,  
2 “Defendants”) and “Cross Defendant” UNITED STATES DEPARTMENT OF THE  
3 INTERIOR, BUREAU OF LAND MANAGEMENT (“Government”), by and through their  
4 counsel of records, hereby stipulate to amend the Government’s Motion to Dismiss [Doc. 11]  
5 (“Motion to Dismiss”) to include Nicky Q. Ayers as a named Defendant and to allow Defendants  
6 an extension of time to file their response to the Motion to Dismiss. In furtherance of the  
7 Stipulation, the parties hereby agree as follows:

8 1. On January 19, 2016, the Government moved to dismiss the “cross claim” filed  
9 by Defendant Atlas Towing, Inc. [Doc. 11]. The Government inadvertently neglected to include  
10 Nicky Q. Ayers as a named Defendant in its Motion to Dismiss. Accordingly, the Motion to  
11 Dismiss is hereby amended to name both Atlas Towing, Inc. and Nicky Q. Ayers as Defendants.

12 2. Defendants’ response to the Motion to Dismiss is due on Friday, February 5,  
13 2016.

14 3. On January 26, 2016, this Court stated in its minutes that a Substitution of  
15 Attorney bearing the signatures of Defendants, their former counsel, and present counsel would  
16 need to be filed prior to present counsel representing Defendants.

17 4. On February 3, 2016, present counsel filed a Substitution of Attorney in  
18 compliance with the Court’s orders.

19 5. Present counsel received Defendants’ case file on or about January 22, 2016, and  
20 has diligently reviewed the documents therein. Due to the delay in substitution and the short  
21 period in which present counsel possessed the case file, Defendants require an additional 14  
22 days, up to and including February 19, 2016 in which to file their Opposition to the  
23 Government’s Motion to Dismiss.

24 6. Additionally, because Defendants believe threshold subject matter jurisdictional  
25 questions exist, counsel for the parties are discussing ways to resolve jurisdictional concerns and  
26 avoid burdening the Court with unnecessary motions. However, the parties agree that additional  
27 time is needed to work through these discussions.

28 7. This is the first extension of time sought by Defendants.

1           8.       The requested extension will not prejudice the parties, especially since the  
2 Government's present Motion to Dismiss is its only responsive pleading in this matter, nor will  
3 the requested extension prejudice the Court.

4           WHEREFORE, for the foregoing reasons, Defendants and the Government respectfully  
5 request that the Court accept this Stipulation, allow the Government to amend its Motion to  
6 Dismiss to include Nicky Q. Ayers as a named Defendant and extend the time for Defendants to  
7 respond to the Motion to Dismiss to February 19, 2016.

8           DATED this 4th day of February, 2016.

9                   **UNITED STATES**  
10                  **ATTORNEYS OFFICE**  
11                  *Attorneys for United State*  
12                  *Department of the Interior, Bureau of*  
                    *Land Management*

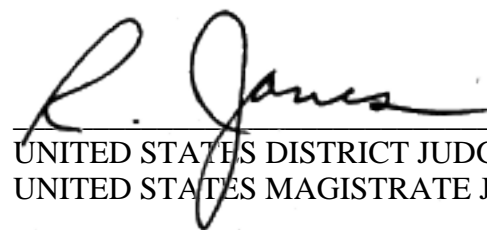
**SPRINGEL & FINK LLP**  
                    *Attorneys for Atlas Towing, Inc.*  
                    *and Nicky Q. Ayers*

13       By: /s/ Holly A. Vance  
14           DANIEL G. BOGDEN, ESQ.  
15           HOLLY A. VANCE, ESQ.  
16           Assistant United States Attorney  
17           100 West Liberty Street, Suite 600  
18           Reno, Nevada 89501  
19           Telephone: (775) 784-5438  
20           E-Mail: [holly.a.vance@usdoj.gov](mailto:holly.a.vance@usdoj.gov)

      By: /s/ Leonard T. Fink  
          LEONARD T. FINK, ESQ.  
          Nevada Bar No. 6296  
          10655 Park Run Drive, Suite 6275  
          Las Vegas, Nevada 89144  
          Telephone: (702) 804-0706  
          E-Mail: [lfink@springelfink.com](mailto:lfink@springelfink.com)

21                               IT IS SO ORDERED.

22                               Dated: February 12, 2016

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24                               UNITED STATES DISTRICT JUDGE  
25                               UNITED STATES MAGISTRATE JUDGE  
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